

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DIANNE KELLEY and KENNETH HANSEN,	)	No. C 07-475 MJP
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
MICROSOFT CORPORATION, a Washington	)	DECLARATION OF VIRGINIA
corporation,	)	HODGES, CompUSA Inc. Vice
	)	President – Home and Business
Defendant.	)	Technology
	)	
	)	

I, Virginia Hodges, hereby declare as follows:

1. I am employed by CompUSA Inc. ("CompUSA") as Vice President – Home and Business Technology. I am over 18 years of age, and I have personal knowledge of the facts set forth herein.

2. I am familiar with CompUSA's participation in various marketing programs sponsored by companies with which we have a business relationship. One such program was Microsoft's "Windows Vista Capable" program.

3. CompUSA participated in Microsoft's "Windows Vista Capable" program in

DECLARATION OF VIRGINIA HODGES,  
CompUSA Inc. Vice President – Home and  
Business Technology  
(NO. C07-475 MJP) – 1

Davis Wright Tremaine LLP  
LAW OFFICES  
1201 Third Avenue, Suite 2200  
Seattle, Washington 98101  
(206) 622-3150 Fax: (206) 757-7700

1 2006 and early 2007 and took a number of steps to inform its customers about the program  
2 and about what the "Windows Vista Capable" sticker on a personal computer ("PC") meant.

3 4. Microsoft provided CompUSA with various types of in-store materials that  
4 explained Microsoft's "Windows Vista Capable" program. Those in-store materials were  
5 distributed to CompUSA stores throughout the United States in July and August of 2006.

6 5. Attached hereto as Exhibit "1" is a copy of the letter of authorization that was  
7 circulated to CompUSA general sales managers and sales managers at the end of June 2006,  
8 informing them that field representatives would be coming to the CompUSA stores between  
9 July 3, 2006 and July 14, 2006, and were authorized to (a) provide product education  
10 regarding Microsoft products to retail store personnel, (b) perform general merchandising  
11 tasks, and (c) install the following Windows Vista Capable point-of-purchase items in the  
12 stores: Windows Vista Capable brochures and brochure holders (25 holders with brochures  
13 per store), Vista Capable tent cards (25 per store), Vista Capable monitor lug-ons (25 per  
14 store), Vista Capable fact cards (25 per store), and Quick Reference Guides (10 per store).  
15

16 6. A copy of the Windows Vista Capable brochures that were placed in CompUSA  
17 stores is attached hereto as Exhibit "2."  
18

19 7. A copy of the Windows Vista Capable tent cards that were placed in CompUSA  
20 stores is attached hereto as Exhibit "3."  
21

22 8. A copy of the Windows Vista Capable monitor lug-ons that were placed on the  
23 monitors of displayed PCs that had a "Windows Vista Capable" sticker on them is attached  
24 hereto as Exhibit "4."  
25

26 9. A copy of the Windows Vista Capable fact cards that were delivered to  
27

DECLARATION OF VIRGINIA HODGES,  
CompUSA Inc. Vice President – Home and  
Business Technology  
(NO. C07-475 MJP) – 2

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1 CompUSA stores for the use of the stores' commercial services and tech depot staff and  
2 management is attached hereto as Exhibit "5."

3 10. A copy of the Quick Reference Guides that were placed in the stores for the use  
4 of CompUSA sales personnel in explaining what a "Windows Vista Capable" PC was and in  
5 answering customers' questions is attached hereto as Exhibit "6."

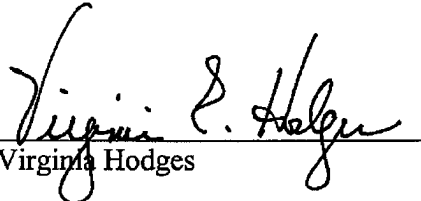
6 11. CompUSA sales employees were trained to use these materials to help customers  
7 understand what a "Windows Vista Capable" PC was and what a "Premium Ready" PC was.

8 12. Attached hereto as Exhibit "7" is a copy of information concerning Microsoft  
9 Windows Vista and "Windows Vista Capable" computers that appeared as least as early as  
10 January 2007 on CompUSA's web site.

11 13. Attached hereto as Exhibit "8" is a copy of information concerning Microsoft  
12 Windows Vista and "Windows Vista Capable" computers that appeared as least as early as  
13 February 2007 on CompUSA's web site

14 14. I declare under penalty of perjury that the foregoing is true and correct.

15 EXECUTED this 15 day of November, 2007.

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Virginia Hodges

DECLARATION OF VIRGINIA HODGES,  
CompUSA Inc. Vice President – Home and  
Business Technology  
(NO. C07-475 MJP) – 3

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# EXHIBIT “1”

# Authorization Letter

06-246

To: CompUSA General Sales Managers, CompUSA Sales Managers

From: Jennifer Naghavi Sadat, x4195

Date: 6/29/06

**RE: Microsoft Vista Capable POP**

Authorized Mosaic Field Representatives will be visiting stores during the normal store hours, 7/3/06-7/14/06. Mosaic Field Representatives are instructed to present this letter to the store management upon request throughout the duration of their visit.

Per the agreement with Microsoft, Mosaic Field Representatives are REQUIRED to:

- Sign into the Vendor log upon entering the store
- Sign out of the vendor log upon exiting the store
- Notify store management upon arrival, prior to starting a project, and before departure from the store
- Wear appropriate attire
- Have proof of employment identification

Mosaic Field Representatives are AUTHORIZED to perform the following tasks:

- Provide product education regarding Microsoft products to retail store personnel
- Perform general merchandising tasks
- Install the following Vista Capable POP items:

**Vista Capable Brochures & Brochure Holder--25 per store** --Place 3 in Tech Area; Place 1 in Tech Parts area, Place 3 at Business Services Desk; 3 at customer service, 1 at each check out lane (that amount varies by store -- so that would account for 4 to 10), 3 in the Desktop Section; 3 in NB section.

**Vista Capable Tent Cards--25 per store**-- We don't normally have these in our stores, but we can have Mosaic leave this with the General Sales Manager to place where they see appropriate.

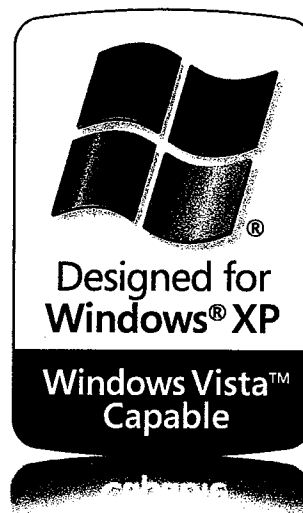
**Vista Capable Monitor Lug-Ons--25 per store** -- Place in Notebook & Desktop areas on Vista Capable logo'd machines. Because of the size, we are not sure if these would "fit" near our shelf tags on those particular vista capable machines. This should also be discussed with the store manager.

**Vista Capable Fact Cards--25 per store**— Leave with store personnel as these are intended for the commercial services and tech depot staff and management.

**RSP Quick Reference Guides--10 per store**--Leave with store personnel

Contact for questions: Kathy Merani, [Kathy\\_Merani@compusa.com](mailto:Kathy_Merani@compusa.com)

# EXHIBIT “2”



Introducing  
Windows  
XP-based PCs  
that are ready for  
the future.

For more information on the  
Windows Vista Capable program, go to  
**[www.windowsvista.com/getready](http://www.windowsvista.com/getready)**  
or ask a sales associate for details.



For more information on the  
Windows Vista Capable program, go to  
**[www.windowsvista.com/getready](http://www.windowsvista.com/getready)**  
or ask a sales associate for details.



# Introducing Windows Vista™

WINDOWS VISTA WILL OFFER NEW AND RICH EXPERIENCES AT HOME AND AT WORK.

When you purchase a PC with the Windows Vista Capable sticker on it, your PC will deliver core experiences such as innovations in organizing and finding information, security and reliability. All Windows Vista Capable PCs will run these core experiences at a minimum. For even better experiences that come with the premium editions of Windows Vista, including the Windows® Aero™ user experience, ask for Windows Vista Premium Ready PCs. Premium editions are Windows Vista Home Premium, Windows Vista Business and Windows Vista Ultimate.

Which Windows Vista edition is right for you?	Home Basic	Home Premium	Business	Ultimate
<b>Most secure Windows ever</b> with Windows Defender and Windows Firewall	✓	✓	✓	✓
<b>Quickly find anything</b> on your PC and on the Internet with Instant Search	✓	✓	✓	✓
<b>Easily organize, edit and share</b> your digital photos with Windows Photo Gallery	✓	✓	✓	✓
<b>Elegant Windows Aero user interface*</b> with Flip3D navigation		✓	✓	✓
<b>Best choice for laptops</b> with enhanced Windows Mobility Center and Tablet PC* support		✓	✓	✓
<b>Make face-to-face meetings more productive</b> with Meeting Space		✓	✓	✓
<b>Experience photos and entertainment</b> in your living room with Windows Media Center*		✓	✓	✓
<b>Share entertainment</b> in your home with Media Center Extenders* including Xbox 360™		✓	✓	✓
<b>Protect against hardware failure</b> with advanced business Backup features			✓	✓
<b>Easier connectivity</b> with advanced business Networking and Remote Desktop			✓	✓
<b>Better protect your data</b> against loss or theft with Windows BitLocker™ Drive Encryption*				✓

The guide below will help you purchase the computer that's right for you today and in the future! Look for these PC hardware specifications to make sure you can run the Windows Vista edition and features you want. Certain functionality such as watching and recording TV requires additional hardware.\*

## PC hardware specifications

- **Windows Vista Capable PCs** can deliver the core experiences in Windows Vista and come with at least:

  - A modern processor (at least 800MHz)
  - 512 MB of system memory
  - A graphics processor that is DirectX® 9 Capable
- **Windows Vista Premium Ready PCs** deliver even better Windows Vista experiences, can run Windows Vista Home Premium, Windows Vista Business or Windows Vista Ultimate and come with at least:

  - 1 GHz 32-bit (x86) or 64-bit (x64) processor
  - 1 GB of system memory
  - A graphics processor that runs Windows Aero
  - 128 MB of graphics memory
  - 40 GB of hard drive capacity with 15 GB free space
  - DVD-ROM Drive
  - Audio output capability
  - Internet access capability

\*These Windows Vista features may require advanced or additional hardware. For details, go to [www.windowsvista.com/getready](http://www.windowsvista.com/getready)

**Windows XP is the best option when purchasing a PC today.**



# EXHIBIT “3”



## Introducing Windows XP-based PCs that are ready for the future.

When you purchase a PC with the Windows Vista™ Capable sticker on it, your PC will deliver core experiences such as innovations in organizing and finding information, security and reliability. All Windows Vista Capable PCs will run these core experiences at a minimum. For even better experiences that come with the premium editions of Windows Vista, including the Windows® Aero™ user experience, ask for Windows Vista Premium Ready PCs. Premium editions are Windows Vista Home Premium, Windows Vista Business and Windows Vista Ultimate.

Which Windows Vista edition is right for you?	Home Basic	Home Premium	Business	Ultimate
Most secure Windows ever with Windows Defender and Windows Firewall	✓	✓	✓	✓
Quickly find anything on your PC and on the Internet with Instant Search	✓	✓	✓	✓
Easily organize, edit and share your digital photos with Windows Photo Gallery	✓	✓	✓	✓
Elegant Windows Aero user interface* with Flip3D navigation		✓	✓	✓
Best choice for laptops with enhanced Windows Mobility Center and Tablet PC* support		✓	✓	✓
Make face-to-face meetings more productive with Meeting Space		✓	✓	✓
Experience photos and entertainment in your living room with Windows Media Center*		✓	✓	✓
Share entertainment in your home with Media Center Extenders* including Xbox 360™		✓	✓	✓
Protect against hardware failure with advanced business Backup features			✓	✓
Easier connectivity with advanced business Networking and Remote Desktop			✓	✓
Better protect your data against loss or theft with Windows BitLocker™ Drive Encryption*				✓

\*These Windows Vista features may require advanced or additional hardware. For details, go to [www.windowsvista.com/getready](http://www.windowsvista.com/getready)



The guide below will help you purchase the computer that's right for you today and in the future! Look for these PC hardware specifications to make sure you can run the Windows Vista edition and features you want

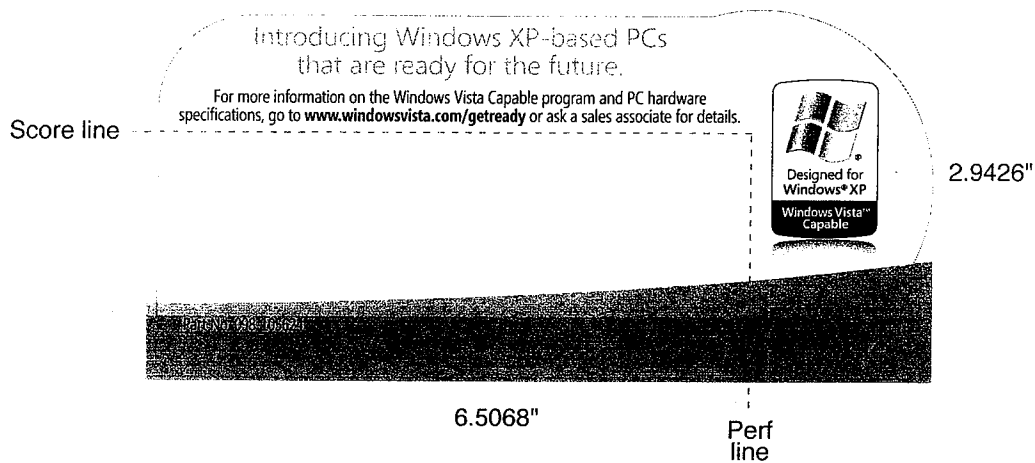
Certain functionality such as watching and recording TV requires additional hardware.\*

### PC hardware specifications

- ▶ **Windows Vista Capable PCs** can deliver the core experiences in Windows Vista and come with at least:
  - A modern processor (at least 800MHz)
  - 512 MB of system memory
  - A graphics processor that is DirectX® 9 Capable
- ▶ **Windows Vista Premium Ready PCs** deliver even better Windows Vista experiences, can run Windows Vista Home Premium, Windows Vista Business or Windows Vista Ultimate and come with at least:
  - 1 GHz 32-bit (x86) or 64-bit (x64) processor
  - 1 GB of system memory
  - A graphics processor that runs Windows Aero
  - 128 MB of graphics memory
  - 40 GB of hard drive capacity with 15 GB free space
  - DVD-ROM Drive
  - Audio output capability
  - Internet access capability



# EXHIBIT “4”



**Windows Vista Capable — Lugon**

Final Size: 6.5068" x 2.9426"

Magenta rules indicate diecut, score line and perf line — DO NOT PRINT  
(6MSX-713)

# EXHIBIT “5”



Introducing  
Windows  
XP-based PCs  
that are ready for the future.

When you purchase a PC with the Windows Vista™ Capable sticker on it, your PC will deliver core experiences such as innovations in organizing and finding information, security and reliability. All Windows Vista Capable PCs will run these core experiences at a minimum. For even better experiences that come with the premium editions of Windows Vista, including the Windows® Aero™ user experience, ask for Windows Vista Premium Ready PCs. Premium editions are Windows Vista Home Premium, Windows Vista Business and Windows Vista Ultimate.

#### Which Windows Vista edition is right for you?

	Home Basic	Home Premium	Business	Ultimate
Most secure Windows ever with Windows Defender and Windows Firewall	✓	✓	✓	✓
Quickly find anything on your PC and on the Internet with Instant Search	✓	✓	✓	✓
Easily organize, edit and share your digital photos with Windows Photo Gallery	✓	✓	✓	✓
Elegant Windows Aero user interface* with Flip3D navigation		✓	✓	✓
Best choice for laptops with enhanced Windows Mobility Center and Tablet PC* support		✓	✓	✓
Make face-to-face meetings more productive with Meeting Space		✓	✓	✓
Experience photos and entertainment in your living room with Windows Media Center*		✓	✓	✓
Share entertainment in your home with Media Center Extenders* including Xbox 360™		✓	✓	✓
Protect against hardware failure with advanced business Backup features			✓	✓
Easier connectivity with advanced business Networking and Remote Desktop			✓	✓
Better protect your data against loss or theft with Windows BitLocker™ Drive Encryption*				✓

\*These Windows Vista features may require advanced or additional hardware. For details, go to [www.windowsvista.com/getready](http://www.windowsvista.com/getready)



The guide below will help you purchase the computer that's right for you today and in the future! Look for these PC hardware specifications to make sure you can run the Windows Vista edition and features you want.

Certain functionality such as watching and recording TV requires additional hardware.\*

#### PC hardware specifications

##### Windows Vista Capable PCs can deliver the core experiences in Windows Vista and come with at least:

- A modern processor (at least 800MHz)
- 512 MB of system memory
- A graphics processor that is DirectX® 9 Capable

##### Windows Vista Premium Ready PCs deliver even better Windows Vista experiences, can run Windows Vista Home Premium, Windows Vista Business or Windows Vista Ultimate and come with at least:

- 1 GHz 32-bit (x86) or 64-bit (x64) processor
- 1 GB of system memory
- A graphics processor that runs Windows Aero
- 128 MB of graphics memory
- 40 GB of hard drive capacity with 15 GB free space
- DVD-ROM Drive
- Audio output capability
- Internet access capability



# EXHIBIT “6”



## Introducing Windows Vista™ Capable PCs

Buying PCs can be complicated given varying form factors, prices, capabilities and the coming availability of Windows Vista™. Microsoft is releasing information and tools that will simplify the purchase of Windows® XP-based PCs now, so that in the future customers will be able to run the edition of Windows Vista that meets their needs.

At [www.windowsvista.com/getready](http://www.windowsvista.com/getready), Microsoft offers requirements for Windows Vista Capable PCs, which will deliver core experiences such as innovations in finding and organizing information, security and reliability. Also available are requirements for Windows Vista Premium Ready PCs, which offer even better Windows Vista experiences, including the new Windows Aero™ user experience.

The Windows Vista Upgrade Advisor online tool makes it easy for consumers and small businesses to determine if their current PCs are ready for an upgrade to Windows Vista.

Look for training on the program to come very soon – with double points!



Windows Vista

For more information on the  
Windows Vista Capable program, go to  
[www.windowsvista.com/getready](http://www.windowsvista.com/getready)

## PC hardware specifications

### Windows Vista Capable PCs

can deliver the core experiences in  
Windows Vista and come with at least:

- A modern processor (at least 800MHz)
- 512 MB of system memory
- A graphics processor that is  
DirectX® 9 Capable

### Windows Vista Premium Ready PCs

deliver even better Windows Vista  
experiences, can run Windows Vista  
Home Premium, Windows Vista Business  
or Windows Vista Ultimate and come  
with at least:

- 1 GHz 32-bit (x86) or 64-bit (x64) processor
- 1 GB of system memory
- A graphics processor that runs  
Windows Aero
- 128 MB of graphics memory
- 40 GB of hard drive capacity with  
15 GB free space
- DVD-ROM Drive
- Audio output capability
- Internet access capability



Windows Vista

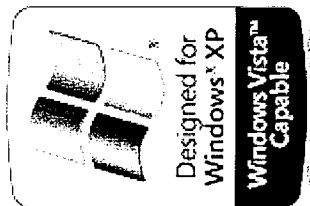


# EXHIBIT “7”



CompUSA.com » Vista Capable

Vista Capable PCs Vista Premium Ready PCs Express Upgrade Is your system ready for Vista?



## Introducing Windows XP-based PCs that are ready for the future.

The guide below will help you purchase the computer that's right for you today and in the future! Look for these PC hardware specifications to make sure you can run the Windows Vista edition and features you want.

Certain functionality such as watching and recording TV requires additional hardware.<sup>†</sup>

## PC hardware specifications



**Windows Vista Capable PCs** can deliver the core experiences in Windows Vista and come with at least:

- A modern processor (at least 800MHz)
- 512 MB of system memory
- A graphics processor that is DirectX® 9 Capable
- Vista Capable Notebooks
- Vista Capable Desktops



**Windows Vista Premium Ready PCs** deliver even better Windows Vista experiences, can run Windows Vista Home Premium, Windows Vista Business or Windows Vista Ultimate and come with at least:

- 1 GHz 32-bit (x86) or 64-bit (x64) processor
- 1 GB of system memory
- A graphics processor that runs Windows Aero
- 128 MB of graphics memory
- 40 GB of hard drive capacity with 15 GB free space
- DVD-ROM Drive



- Audio output capability
- Internet access capability
- Vista Premium Ready Notebooks
- Vista Premium Ready Desktops



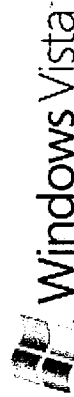
### Free Express Upgrade to Windows Vista

Are you looking to buy a new Desktop or Notebook before the Windows Vista release? No need to wait! When you purchase a Windows Vista capable PC, available on select Notebooks and Desktops, that runs Windows XP today, you will receive an upgrade to Windows Vista FREE via mail, when it becomes available from Microsoft. Plus, there are no shipping fees\*\* for your upgrade!

- Windows XP Home – Free upgrade to Windows Vista Home Basic
- Windows XP Media Center Edition – Free upgrade to Windows Vista Home Premium
- Windows XP Professional – Free upgrade to Windows Vista Business

For more details specifically about the Vista Express Upgrade to your PC, please visit the Manufacturer's Web site for your Desktop or Notebook computer:

- Acer
- Compaq
- eMachines
- Gateway
- HP
- Sony
- Toshiba



†These Windows Vista features may require advanced or additional hardware.

\*\*Some manufacturers may charge shipping, please click on their link for more details.

For details go to <http://web.archive.org/web/20070110094723/http://www.windowsvista.com/getready>

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\*See all offer details | †Refurbished item details

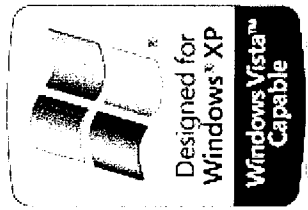
# EXHIBIT “8”



## CompUSA.com » Windows Vista Capable

Windows Vista Evaluation Tool    Windows Vista News    Microsoft® Across America Truck Tour

Windows Vista Capable PCs    Windows Vista Premium Ready PCs    Express Upgrade



### Introducing Windows XP-based PCs that are ready for the future.

The guide below will help you purchase the computer that's right for you today and in the future! Look for these PC hardware specifications to make sure you can run the Windows Vista edition and features you want.

Certain functionality such as watching and recording TV requires additional hardware. †

## PC hardware specifications



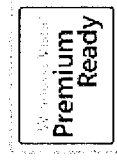
**Windows Vista Capable PCs** can deliver the core experiences in Windows Vista and come with at least:

- A modern processor (at least 800MHz)
- 512 MB of system memory
- A graphics processor that is DirectX® 9 Capable
- Windows Vista Capable Notebooks
- Windows Vista Capable Desktops



**Windows Vista Premium Ready PCs** deliver even better Windows Vista experiences, can run Windows Vista Home Premium, Windows Vista Business or Windows Vista Ultimate and come with at least:

- 1 GHz 32-bit (x86) or 64-bit (x64) processor
- 1 GB of system memory
- A graphics processor that runs Windows Aero
- 128 MB of graphics memory
- 40 GB of hard drive capacity with 15 GB free space
- DVD-ROM Drive



- Audio output capability
- Internet access capability
- Windows Vista Premium Ready Notebooks
- Windows Vista Premium Ready Desktops



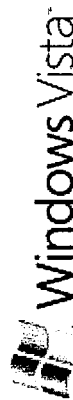
### Free Express Upgrade to Windows Vista

Are you looking to buy a new Desktop or Notebook before the Windows Vista release? No need to wait! When you purchase a Windows Vista capable PC, available on select Notebooks and Desktops, that runs Windows XP today, you will receive an upgrade to Windows Vista FREE via mail, when it becomes available from Microsoft. Plus, there are no shipping fees\*\* for your upgrade!

- Windows XP Home – Free upgrade to Windows Vista Home Basic
- Windows XP Media Center Edition – Free upgrade to Windows Vista Home Premium
- Windows XP Professional – Free upgrade to Windows Vista Business

For more details specifically about the Windows Vista Express Upgrade to your PC, please visit the Manufacturer's Web site for your Desktop or Notebook computer:

- Acer
- Compaq
- eMachines
- Gateway
- HP
- Sony
- Toshiba



†These Windows Vista features may require advanced or additional hardware.

\*\*Some manufacturers may charge shipping, please click on their link for more details.

For details go to <http://web.archive.org/web/20070205043757/http://www.windowsvista.com/getready>

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\*See all offer details | †Refurbished item details